

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

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James F. Ledwell, Jr., #23603-057,  
Petitioner,  
v.  
Federal Bureau of Prisons;  
John J. LaManna, Warden FCI  
Edgefield,  
Respondents.

Civil Action No.: 8:08-3422-SB

**ORDER**

This matter is before the Court on the pro se Petitioner's request for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to a United States Magistrate Judge for preliminary review.

On January 16, 2009, the Respondents filed a motion for summary judgment, and on January 20, 2009, the Magistrate Judge issued an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising the Petitioner of his obligation to respond to the motion for summary judgment. Because the Petitioner failed to respond, the Magistrate Judge issued a second order on March 4, 2009, granting the Petitioner until March 27, 2009, to file a response to the motion for summary judgment. The order specifically advised the Petitioner that if he failed to respond, the action would be dismissed for failure to prosecute. Despite this warning, the Petitioner did not respond.

Due to the Petitioner's failure to respond, the Magistrate Judge issued a report and recommendation ("R&R") on April 2, 2009, recommending that this action be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.


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Attached to the R&R was a notice advising the Petitioner of his right to file specific, written objections to the R&R within ten days of the date of service. To date, no objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriner's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because the parties filed no objections to the R&R, there are no portions of the R&R to which the Court must conduct a de novo review. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

**ORDERED** that the Petitioner's § 2241 petition is dismissed with prejudice pursuant to Rule 41(b) of the Federal Rules of Procedure for failure to prosecute.

**IT IS SO ORDERED.**

  
Sol Blatt, Jr.  
Senior United States District Judge

  
April 24, 2009  
Charleston, South Carolina